Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 919 - 09735 - 0599 - 145		Date: 08/08/2019	Time: 0950 hours
Location: 1171 Durfee Avenue #224		City or Station: South El Monte	
Bureau/Station/Facility: Detective Division/Operation Safe Streets Bureau		Admin. Investigation: ○ YES ● NO	
Type of Force: Control Holds / Resisted Handcuffing			
Incident Category: ○ 1 ○ 2 ● 3	Deputy Injury: ○ YES ● NO	Suspect Injury ● YES ○ NO	
☐ Call ☒ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: ● YES ○ NO	Person Notified: Lt. Eric Smitson	Emp: [redacted]	IAB Roll Out ● YES ○ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: [redacted]		First Name: [redacted]		Middle I.: [redacted]	Rank: SGT
Sex: ● M ○ F	Race: W	Height: 5-11	Weight: 195	Age: [redacted]	Shift: ○ EM ● Day ○ PM	● Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Operation Safe Streets Bureau / PCT-2			Work Assignment (Unit #, Module, etc.): Parole Compliance Team-2 Sergeant			
Individual Force Used: Control Holds			○ Directed ○ Rescue ○ Medical Assist			Individual Category ○ 1 ● 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted	Facility:					Coroner Case #

E2

Employee #: [redacted]	Last Name: [redacted]		First Name: [redacted]		Middle I.: [redacted]	Rank: [redacted]
Sex: [redacted]	Race: [redacted]	Height: [redacted]	Weight: [redacted]	Age: [redacted]	Shift: ○ EM ● Day ○ PM	● Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Operation Safe Streets Bureau / PCT-2			Work Assignment (Unit #, Module, etc.): Parole Compliance Team-2			
Individual Force Used: Control Holds / Resisted Handcuffing			○ Directed ○ Rescue ○ Medical Assist			Individual Category ○ 1 ○ 2 ● 3
☐ Injured ☐ Treated ☐ Admitted	Facility:					Coroner Case #

E3

Employee #: [redacted]	Last Name: [redacted]		First Name: [redacted]		Middle I.: [redacted]	Rank: DSG
Sex: ● M ○ F	Race: H	Height: 6-00	Weight: 200	Age: [redacted]	Shift: ○ EM ● Day ○ PM	● Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Operation Safe Streets Bureau / PCT-2			Work Assignment (Unit #, Module, etc.): Parole Compliance Team-2			
Individual Force Used: Resisted Handcuffing			○ Directed ○ Rescue ○ Medical Assist			Individual Category ● 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted	Facility:					Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	P.	SGT	YES ● NO ○	YES ● NO ○

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Rose	Michael	L.	SGT	YES ○ NO ●	YES ○ NO ●

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Smitson	Eric	C.	LT

[signature] Watch Commander / Supervising Lieutenant's **Signature:**   2-5-20 Date   Copy Provided to Employee by: Emp #:

Unit Commander **(Print Name)**   Unit Commander's **Signature**:   Emp #:   Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

919 - 09735 - 0599 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name	
[redacted]	Navarro	Richard	M.	
Unit of Assignment: Oper. Safe Streets Bureau	Work Assignment (Unit #, Module, etc.): Parole Compliance Team 2	Shift: ○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty	
Emp. #	Last Name	First Name	Middle Name	
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty	
Emp. #	Last Name	First Name	Middle Name	
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**

☐ **Additional Witness**

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 9 - 0 9 7 3 5 - 0 5 9 9 - 1 4 5

Suspect Information

S 1

Last Name: Beserra | First Name: Jesse | Middle Name: Herbert | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: (●) Male ( ) Female | Race: H | Age: 43 | Height: 5-08 | Weight: 180 | D.O.B: 10/12/75 | Phone #1: (●) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W ( ) C [redacted]

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5711333 | Primary Charge Code: 148(a)(1) PC | Secondary Charge Code: 3455(b)(1) PC | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: LACoFD Cpt. Robles | Unit: Engine 90 | Phone #: 626-444-2581

Hospital Admission? [ ] | Rec'd Treatment At: Beverly Hospital | Coroner Case #: | Mental History [X] User's guide provides direction on this entry

By: P/A Matthew Tan | Address: 309 W. Beverly Blvd. Montebello, CA | Phone #: 323-726-1222

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 08/08/19 | Time: 1834 | [ ] Audiotape: | [X] Videotape: | [X] Photos of Injuries: | [X] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S /

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S /

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force

919 - 09735 - 0599 - 145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Beserra	S#1	[redacted]	E#2	HR	NN	
Beserra	S#1	[redacted]	E#1	HR	NN	
[redacted]	E#2	Beserra	S#1	CH	FR	BK
[redacted]	E#1	Beserra	S#1	CH	AB	FA
"	"	"	"	"	AB	NK
"	"	"	"	"	AB	SH
[redacted]	E#2	Beserra	S#1	RH	NN	WR
[redacted]	E#3	Beserra	S#1	RH	NN	

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category-3 Use-of-Force, Fractured Rib**
IAB FILE NUMBER:	**FO 2490669**
URN #:	**919-09735-0599-145**
DATE/TIME:	**August 8, 2019, 0950 hours**
LOCATION:	**Sierra Inn, Room 224 1171 Durfee Avenue, South El Monte**

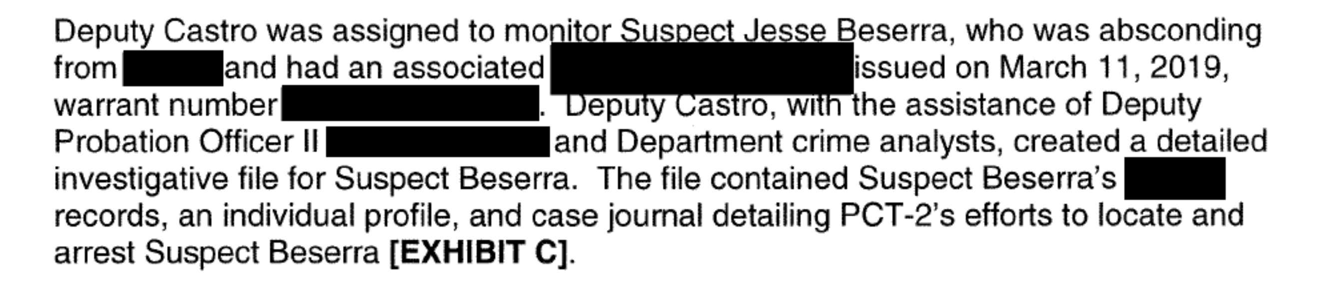
SYNOPSIS

On August 8, 2019, an Internal Affairs Bureau (IAB) Shooting/Force Roll-out team comprised of Sergeants Michael Rose and Paul Valle responded to the Parole Compliance Team Headquarters regarding a Category 3 use-of-force investigation. The use-of-force had occurred earlier in the day when a parolee-at-large was apprehended by a parole compliance team. It was subsequently discovered the parolee-at-large had sustained a minimally displaced 10th rib fracture. The incident was documented under URN: 919-09735-0599-145 **[EXHIBIT A]**.

SUMMARY

Parole Compliance Team 2 (PCT-2), under the command of Operation Safe Street Bureau, was tasked with monitoring and apprehending parolees-at-large who were supervised under the Post Release Community Supervision program.

> **IAB Note:** **The Post Release Community Supervision is a form of supervision provided to an offender who was released from a California Department of Corrections and Rehabilitation (CDCR) institution to the jurisdiction of a county agency, pursuant to the Post Release Community Supervision Act of 2011. This Act was also referred to as Assembly Bill 109 (AB 109).**


Deputy Castro was assigned to monitor Suspect Jesse Beserra, who was absconding from [redacted] and had an associated [redacted] issued on March 11, 2019, warrant number [redacted]. Deputy Castro, with the assistance of Deputy Probation Officer II [redacted] and Department crime analysts, created a detailed investigative file for Suspect Beserra. The file contained Suspect Beserra's [redacted] records, an individual profile, and case journal detailing PCT-2's efforts to locate and arrest Suspect Beserra **[EXHIBIT C]**.

On Thursday, August 8, 2019, PCT-2 deputies organized an operation in South El Monte to locate and arrest Suspect Beserra. Through intelligence gathering and prior operations, PCT-2 had reasonable cause to believe Suspect Becerra was residing in a motel room at the Sierra Inn with his girlfriend, Witness [redacted]

PCT-2 deputies prepared an Operations Plan and Search Warrant Preparation Checklist (SH-R-461) prior to responding to the Sierra Inn to search for Suspect Beserra **[EXHIBIT D]**. Deputies Chinarian and [redacted] in a plain clothes capacity, drove to the Sierra Inn and contacted the motel manager. Deputy [redacted] confirmed Witness [redacted] was currently residing in Room 224. Deputy [redacted] obtained a room key and layout of the motel room. This information was relayed to PCT-2 personnel.

After conducting a detailed briefing at Whittier Narrows Park, PCT-2 drove to the Sierra Inn around 9:30 a.m. Deputies [redacted] [redacted] Navarro, Del Valle, Castro, Olivas, along with Sergeant [redacted] approached Room 224 located on the second floor of the motel. Deputies Olivas and Del Valle knocked on the door and announced, "Sheriff's Department, Parole Search" for several minutes. Witness [redacted] eventually answered the door, exited the room, and claimed Suspect Beserra was recently inside the room but she was unsure if he was still inside.

Deputy Castro detained Witness [redacted] outside the motel room, while the rest of PCT-2 concentrated on clearing the motel room. Additional announcements were made into the room. Deputies [redacted] [redacted] Olivas, Del Valle, and Navarro entered the small motel room to search for Suspect Beserra as Sergeant [redacted] stood in the doorway. After the room and bathroom were cleared, the deputies focused their attention on the queen-sized bed inside the room. Deputies Olivas and Navarro made a coordinated effort to lift the bed in order for other deputies to search underneath.

Suspect Beserra was immediately observed under the bed face down with his hands tucked underneath his body. Deputy [redacted] and Sergeant [redacted] gave Suspect Becerra numerous commands to place his hands behind his back. Suspect Beserra ignored the commands, began moving his body around and appeared to be evaluating the number of deputies in the room. Deputies Olivas and Navarro lifted the bed's mattress and box spring further off the floor to allow access for Deputy [redacted] to approach and control Suspect Beserra. Deputy [redacted] crouched under the bed and placed his left knee and body weight on the left side of Suspect Beserra's mid-back in an attempt to control Suspect Beserra to facilitate handcuffing him. Deputy [redacted] drew his X26 Taser and notified Suspect Beserra he would be tased if he did not cooperate. Sergeant [redacted] approached the foot of the bed and gave Suspect Beserra additional commands to place his hands behind his back. Sergeant [redacted] placed his right shoe on Suspect's Beserra's left shoulder blade area and applied pressure in order to hold Suspect Beserra down and limit Suspect Beserra's movement.

Suspect Beserra removed his left arm from underneath his body. Deputy [redacted] discarded his Taser and took hold of Suspect Beserra's left wrist using his right hand.

Suspect Beserra removed his right arm from underneath his body. Deputy [redacted] approached Suspect Beserra, grabbed Suspect Beserra's right arm and guided it behind his back. Deputy [redacted] handcuffed Suspect Beserra.

After Suspect Beserra was handcuffed, Deputy [redacted] slid Suspect Beserra out from underneath the bed. Deputy [redacted] searched Suspect Beserra and escorted him out of the motel room. Suspect Beserra immediately complained of pain to his lower left-back. Los Angeles County Fire Department personnel responded to the scene and evaluated Suspect Beserra. He was subsequently transported by ambulance to Beverly Hospital in the city of Montebello for treatment. Suspect Beserra was diagnosed with a fractured left rib and multiple abrasions to the right side of his head and shoulder **[EXHIBIT E]**.

Suspect Beserra was discharged from the hospital and transported to the Inmate Reception Center and booked for sections 148(a)(1) and 3455(a) of the California Penal Code.

IAB Note: **After Suspect Beserra was booked at the Inmate Reception Center, Deputies from PCT-2 issued a citation to Suspect Beserra for his misdemeanor 148(a)(1) PC charge; however, Suspect Beserra remained in custody due to his no-bail parole violation warrant.**

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted] **Sergeant, #**[redacted]
Detective Division
Operation Safe Streets Bureau
Date of Employment: [redacted]
Date Completed Patrol Training (Lennox): [redacted]
Date Assigned to Parole Compliance Team: [redacted]
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person
Sergeant [redacted] wore a tactical Sheriff's Department tan and green uniform with an outer tactical vest, green and black shoes, and a ballistic helmet. Sergeant [redacted] wore a Sam Browne belt, equipped with the following: 9mm Beretta 92A1 semi-automatic pistol with attached Surefire Ultra X400 weapon-mounted light, three (3) additional magazines, radio, two (2) handcuffs, and a Leatherman's tool.

[redacted] **Deputy Sheriff, #**[redacted]

[redacted]

[redacted]

Equipment Worn On Person
Deputy [redacted] wore a tactical Sheriff's Department tan and green uniform with black boots and a ballistic helmet. He was wearing a tactical outer vest with Sheriff markings on the front and back. Deputy [redacted] vest carries his radio and two (2) extra magazines for his duty pistol, one (1) magazine for a patrol rifle, a radio, OC spray, tourniquet, X26 Taser, and handcuffs. Deputy [redacted] was wearing a Sam Browne belt, equipped with a drop leg tactical holster for his Glock 17, 9mm semi-automatic pistol.

[redacted] **Deputy Sheriff, #[redacted]**
Detective Division
Operation Safe Streets Bureau
Date of Employment:
Date Completed Patrol Training (Carson)
Date Assigned to Parole Compliance Team:
Prior Founded Force Incidents:

[redacted]

Equipment Worn On Person
Deputy [redacted] wore a tactical Sheriff's Department tan and green uniform with black boots and a ballistic helmet. He was wearing a tactical outer vest with Sheriff insignia on the front and back. Deputy [redacted] vest carries his radio and three (3) extra magazines for his duty pistol, a radio, OC spray, tourniquet, and handcuffs. Deputy [redacted] was wearing a Sam Browne belt, equipped with a drop leg tactical holster for his Heckler & Koch, HK45, .45 ACP caliber semi-automatic pistol.

SUSPECT INFORMATION

Beserra, Jesse Herbert
Male Hispanic, DOB: October 12, 1975, 5'8", 180 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted] CDL #[redacted]

Suspect Beserra's criminal history and booking information were included with this force review **[EXHIBIT H]**. According to probation records, Suspect Beserra is a documented member of the El Monte Flores criminal street gang.

WITNESSES:

Civilian Witness [redacted]
Deputy Richard Navarro

The following personnel did not report witnessing the use of force, but were interviewed regarding their involvement in the incident:

Deputy Brent Del Valle
Deputy Jesse Olivas
Deputy Martin Castro
Deputy Jennifer Chinarian
Deputy [redacted]

SUSPECT'S INJURIES

Suspect Beserra was transported by ambulance to Beverly Hospital in the city of Montebello and treated by Physician Assistant Matthew Tan. Physician Assistant Tan was supervised by Doctor Jason Manuell. Suspect Beserra was diagnosed with a minimally displaced left 10th rib fracture anteriorly and mild abrasions on the right side of his face. Suspect Beserra was prescribed Hydrocodone and released without further treatment.

Suspect Beserra provided IAB investigators a signed authorization for the release of his medical records. On August 9, 2019, an IAB investigator obtained Suspect Beserra's medical records pertaining to his emergency room visit on August 8, 2019 **[EXHIBIT E]**.

On August 13, 2019, an IAB investigator received an email correspondence from Physician Assistant Matthew Tan. Physician Assistant Tan opined Suspect Beserra's injuries were "most likely caused by a strike/punch to the ribs and unlikely from just placing a knee to the ribs" **[EXHIBIT F]**.

DEPUTY PERSONNEL INJURIES

There were no reported injuries to deputy personnel as a result of this incident.

PHYSICAL EVIDENCE

None

INVESTIGATOR'S OBSERVATIONS

On August 8, 2019, IAB investigators responded to the Sierra Inn located at 1171 Durfee Avenue in South El Monte. Witness [redacted] allowed IAB investigators access to Room 224. The room was located on the second floor and on the east side of the two-story building. The only entry door to the room faced east and was accessed by a balcony walkway. IAB investigators estimated the room to be approximately 20' x 20' with a small bathroom to the rear of the room. A queen-sized bed was aligned along the south wall and occupied the majority of the room. An abundance of personal property and clothing were located inside the room. IAB investigators took photographs of the room, bed, and used Google Maps images to document the location **[EXHIBIT I]**.

WEAPONS USED BY INVOLVED DEPARTMENT PERSONNEL

None

WEAPONS USED BY SUSPECT JESSE BESERRA

None

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation was handled by Temple Station Detective Steven Cabrera, #[redacted] On October 10, 2109, Temple Station detectives presented the criminal case to the District Attorney's Office for filing consideration. On October 22, 2019, the district attorney filed one misdemeanor count of Resisting Arrest, 148(a)(1) P.C. On the same day, the case was dismissed in the interest of justice following a motion by the district attorney. Suspect Beserra was sentenced to thirty-five days in the County Jail for is parole violation warrant **[EXHIBIT G]**.

LIGHTING AND WEATHER CONDITIONS

The incident occurred inside a private motel room during daylight hours. The room was primarily lit by ambient light through the open entry door. A light fixture with an incandescent light bulb was affixed to the south wall. The temperature was warm and there was no precipitation.

STATEMENTS:

Internal Affairs Bureau investigators interviewed the below Department personnel and witnesses. The following is a summary of their interviews. For more detailed information and precise wording, see the attached verbatim interview transcriptions.

INVOLVED EMPLOYEE SERGEANT [redacted]

On January 15, 2020, Sergeant [redacted] was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park.

On August 8, 2019, Sergeant [redacted] was the team sergeant of PCT-2 and had been assigned to the Parole Compliance Team since April of 2017. His duties included supervising a team of deputies who investigate and apprehend parole violators.

After receiving information Suspect Beserra might be located at the Sierra Inn in Room 224, an extensive briefing was conducted near Whittier Narrows Park and a plan was

developed to safely apprehend Suspect Beserra. The plan included the use of plain clothed deputies to gather information and intelligence and to identify if a vehicle associated with Suspect Beserra was at the motel.

After PCT-2 deputies received information regarding the presence of the associated vehicle, Sergeant [redacted] and PCT-2 team members drove to the motel. Deputies [redacted] Del Valle, and Olivas approached Room 224. Deputies knocked on the door and announced themselves as the "Sheriff's Department." After not receiving a response, they waited a minute and continued knocking. Eventually, Witness [redacted] answered the door. Sergeant [redacted] spoke to Witness [redacted] in the threshold of the doorway and inquired if Suspect Beserra was inside the room. Witness [redacted] told Sergeant [redacted] Suspect Beserra had been in the room the prior evening; however, she had not seen him that morning. Sergeant [redacted] advised Witness [redacted] his team was going to go into the room and check for Suspect Beserra's presence.

Deputies [redacted] Del Valle, Navarro, [redacted] and Olivas entered the small motel room as Sergeant [redacted] stood in the doorway. After deputies cleared the main room and bathroom, they concentrated on clearing under the bed. As deputies positioned themselves on both sides of the bed, Sergeant [redacted] entered into the room.

As deputies lifted the bed, Sergeant [redacted] positioned himself at the foot of the bed, with his weapon unholstered. He saw Suspect Beserra laying on his stomach with his right hand under his body [[redacted] **Transcript, page 8**]. Sergeant [redacted] gave Suspect Beserra the command, "Let me see your hands." He also heard another deputy giving Suspect Beserra similar commands.

Sergeant [redacted] positioned at the foot of the bed, assisted Deputies Olivas and Navarro as they lifted the bed from the sides. Sergeant [redacted] looked underneath the bed and noticed Suspect Beserra was looking up and toward the door. He believed Suspect Beserra was attempting to get an awareness about how many deputies were in the room. Sergeant [redacted] continued to order Suspect Beserra to show his hands.

From Sergeant [redacted] angle at the foot of the bed, he could only see the upper-half of Suspect Beserra's body. Based on Suspect Beserra's noncompliance with verbal commands to show his hands, coupled with Sergeant [redacted] knowledge of Suspect Beserra's criminal history and gang affiliation, Sergeant [redacted] believed Suspect Beserra was attempting to arm himself with a weapon. Sergeant [redacted] felt he had to take immediate action to control Suspect Beserra due to his high-risk behavior.

IAB Note: **Suspect Beserra's criminal history revealed** [redacted]

Sergeant [redacted] holstered his duty weapon and observed as Suspect Beserra "thrashed" around under the bed. Sergeant [redacted] placed his left foot on Suspect Beserra's upper-right shoulder and collarbone in order to hold Suspect Beserra close to the ground. He also gave the command to Deputy [redacted] "Get him handcuffed" [[redacted] **Transcript, page 9-10]**. Sergeant [redacted] foot only stayed on Suspect Beserra for about a second because Suspect Beserra was able to quickly slip out from underneath his foot. Sergeant [redacted] did not believe his foot made contact with Suspect Beserra's head; however, he had trouble seeing under the bed due to the limited amount of space. Sergeant [redacted] believed no one kicked Suspect Beserra in the head [[redacted] **Transcript, page 12, 20]**.

As Sergeant [redacted] left foot slid off of Suspect Beserra's back and shoulder, Deputy [redacted] crouched underneath the bed and kneeled down onto the left side Suspect Beserra's back. Sergeant [redacted] view of under the bed was obstructed; however, Sergeant [redacted] described Deputy [redacted] as just simply kneeling down onto Suspect Beserra [[redacted] **Transcript, page 12]**.

Sergeant [redacted] heard Deputy [redacted] indicate he was going to tase Suspect Beserra. Sergeant [redacted] told Deputy [redacted] not to tase Suspect Beserra because he felt there were enough deputies on scene to control Suspect Beserra without utilizing the Taser. Sergeant [redacted] believed the Taser would have been an effective tactic; however, he believed they did not need to use that level of force on Suspect Beserra to control him. [[redacted] **Transcript, page 13]**.

Deputies [redacted] and [redacted] were able to gain control of Suspect Beserra's arms and placed them behind Suspect Beserra's back. Deputy [redacted] handcuffed Suspect Beserra. Deputy [redacted] assisted Suspect Beserra to his feet and escorted him out of the motel room. Suspect Beserra was cooperative after he was placed in handcuffs; however, he immediately began complaining of pain to his back. Sergeant [redacted] saw small abrasions and "cherry" marks near Suspect Beserra's right collarbone. He directed deputy personnel to have an ambulance respond to his location.

Sergeant [redacted] conducted a canvass of surrounding motel rooms and did not locate any civilian witnesses to the use of force. He then responded to Beverly Hospital where he discovered Suspect Beserra suffered a fractured rib.

INVOLVED EMPLOYEE DEPUTY [redacted]

On January 15, 2020, Deputy [redacted] was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy [redacted] was a member of PCT-2 and had been assigned to the Parole Compliance Team for approximately three years. Deputy [redacted] is currently [redacted] to the [redacted].

On August 8, 2019, Deputy [redacted] responded with PCT-2 to a motel in South El Monte after plain clothed surveillance deputies positively identified Suspect Beserra was

staying in a room at the motel. Prior to responding to the motel, a briefing regarding the operation was conducted at Whittier Narrows Park. The briefing was led by Deputy Castro and Sergeant [redacted]

After PCT-2 arrived at the motel, they walked to Room 224 and the announcement, "Sheriff's Department, parole search, open the door" was given. Approximately two minutes later, Witness [redacted] answered the door. Witness [redacted] was cooperative and was detained by another deputy without incident. He and the rest of PCT-2 concentrated on clearing Room 224. Additional announcements were made at the threshold of the door for anyone else inside the room to come out. After no one exited, several deputies, including Deputy [redacted] made entry into the motel room to conduct a "protective sweep."

Deputies [redacted] and Del Valle entered the room and made their way to the rear of the room in order to clear a small adjoining bathroom while several other deputies followed behind them. The bathroom was cleared and Deputy [redacted] made his way back to the main room. He noticed two deputies lifting up the queen-sized bed in order to thoroughly search the room for Suspect Beserra.

As the bed was lifted, Deputy [redacted] observed Suspect Beserra lying face down with both of his hands underneath his body near his waistband. Suspect Beserra appeared to be "playing possum," with his chin tucked down and not saying anything. Deputy [redacted] immediately gave Suspect Beserra at least four separate verbal commands to, "Let me see your hands." Suspect Beserra did not comply with the verbal commands and Deputy [redacted] believed Suspect Beserra may have possessed a weapon **[[redacted] Transcript, page 12]**.

While two deputies held up the bed, Deputy [redacted] removed his X26 Taser from his tactical vest and advised Suspect Beserra he was going to be tased if he did not comply. Suspect Beserra did not respond to Deputy [redacted] verbal commands regarding the Taser. Deputy [redacted] reevaluated firing the Taser since the darts would not be effective due to the tight quarters underneath the bed. He removed the Taser cartridge in order to perform a Taser "drive-stun" technique.

> **IAB Note:** **The Taser drive-stun technique requires application of the Taser directly onto a suspect's skin or clothing, either in support of the Taser cartridge darts, or without them, and delivering a five-second cycle of modulated electrical current.**

Deputy [redacted] realized he was too close for the Taser drive-stun technique to be effective because he would have to go further under the bed with Suspect Beserra. He decided to abandon the Taser option and elected to place his left knee onto Suspect Beserra's left shoulder blade area **[[redacted] Transcript, page 13]**. Deputy [redacted] only placed his knee on Suspect Beserra's left side once, and no other deputies were on Suspect Beserra's left side other than Deputy [redacted]

IAB Note: **During an IAB interview, Deputy [redacted] elucidated he simply braced his knee against Suspect Beserra's back like he was trained in the academy force tactics class. He did not describe using his knee to strike Suspect Beserra.**

Suspect Beserra removed his left arm from underneath his body and Deputy [redacted] grabbed Suspect Beserra's left arm. Deputy [redacted] approached from the other side of the bed and was able to grab Suspect Beserra's right hand and place it behind Suspect Beserra's back. Once both of Suspect Beserra's hands were behind his back, Deputy [redacted] applied handcuffs to Suspect Beserra. Deputy [redacted] assisted Suspect Beserra to his feet and escorted him out of the room without further incident.

Deputy [redacted] did not see anyone kick Suspect Beserra or use any other force on him. After Suspect Beserra was arrested, he was transported to Beverly Hospital. Deputy Del Valle rode in the ambulance and Deputy [redacted] followed the ambulance to the hospital.

INVOLVED EMPLOYEE DEPUTY [redacted]

On January 15, 2020, Deputy [redacted] was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy [redacted] was a member of PCT-2 and had been assigned to the Parole Compliance Team since October of 2018.

On August 8, 2019, he was working with Deputy Navarro. He received information through the PCT-2 surveillance deputies that Suspect Beserra was at a motel in South El Monte and in Room 224. Prior to responding to the motel, a briefing was conducted and he was assigned to use the breaching ram if needed to make entry into the motel room.

After arriving at the motel, he and other deputies made their way to Room 224. He carried the ram and positioned himself near the right side of the door in case it was needed. Deputies made announcements and knocked on the door. Witness [redacted] answered the door and told deputies that Suspect Beserra was not in the room. Deputy Castro detained Witness [redacted] and the rest of PCT-2 concentrated on clearing the motel room. Deputy [redacted] stood by the door and monitored the balcony area while other deputies began clearing the room.

After the deputies cleared the room, he saw Deputies Navarro and Olivas lift up the bed, as Deputy [redacted] Deputy Del Valle, and Sergeant [redacted] stood near the bed. When the bed was raised, Deputy [redacted] saw Suspect Beserra lying face down with both of his hands tucked under his body. Deputy [redacted] immediately heard Deputy [redacted] give Suspect Beserra commands to show his hands. Suspect Beserra did not comply with Deputy [redacted] commands and started to "squirm around" underneath the bed.

Deputy [redacted] observed Sergeant [redacted] Deputy [redacted] and Deputy Del Valle pointing their duty weapons at Suspect Beserra. Suspect Beserra continued to move around under the bed. Deputy [redacted] saw Sergeant [redacted] put his "right leg" on Suspect Beserra's "shoulder blade and neck area" to push Suspect Beserra down and attempt to prevent him from moving. Sergeant [redacted] did not kick or stomp Suspect Beserra **[[redacted] Transcript, page 9]**.

Deputy [redacted] saw Deputy [redacted] move toward Suspect Beserra's left side and place his right knee onto the lower-middle portion of Suspect Beserra's back **[redacted] Transcript, page 11]**. Suspect Beserra continued to "squirm" while Deputy [redacted] attempted to gain control of Suspect Beserra's left hand. While Deputy [redacted] attempted to gain control of Suspect Beserra's left hand, Suspect Beserra's right hand "popped out" from underneath his body. Deputy [redacted] decided to go for Suspect Beserra's exposed right hand in order to help get Suspect Beserra handcuffed. Deputy [redacted] grabbed Suspect Beserra's right hand and gained control of it. Suspect Beserra provided some resistance as he guided Suspect Beserra's right hand to Suspect Beserra's lower back **[Arida Transcript, page 10]**. Deputy [redacted] placed the handcuffs on Suspect Beserra. Deputy [redacted] slid Suspect Beserra from underneath the bed, had him stand up and face toward the door. Suspect Beserra remained cooperative after he was handcuffed under the bed.

Deputy [redacted] searched Suspect Beserra and relinquished custody of him to Deputy Castro, who escorted Suspect Beserra downstairs.

IAB Note: **Deputy [redacted] believed it was Deputy [redacted] right knee that made contact with Suspect Beserra's back. In Deputy [redacted] interview, he was confident he used his left knee.**

WITNESS STATEMENTS:

Internal Affairs Bureau investigators interviewed the below Department personnel and civilian witness. The following is a summary of their interviews. For more detailed information and precise wording, see the attached verbatim interview transcriptions.

CIVILIAN WITNESS [redacted]

On August 8, 2019, at 9:52 a.m., Sergeant [redacted] interviewed Witness [redacted] on videotape while standing on the balcony near Room 224. Witness [redacted] was handcuffed to the balcony railing during the interview. During Sergeant [redacted] interview, Witness [redacted] said she was asleep when she heard knocking on the door. Witness [redacted] heard announcements from the Sheriff's Department and realized the deputies were looking for Suspect Beserra. Prior to Witness [redacted] opening the door, Suspect Beserra told her not to open the door as he was standing near the entrance to the bathroom. She opened the entry door and exited the room. While deputies were inside the room, she could hear the deputies giving Suspect Beserra commands to "get out." Witness [redacted] did not witness deputies use force on Suspect Beserra; however,

she heard Suspect Beserra saying, "Ow, ow" several times.

On August 8, 2019, at approximately 8:10 p.m., IAB Sergeants Michael Rose and Paul Valle responded to Room 224 at the Sierra Inn and conducted a follow-up video-recorded interview with Witness [redacted]

Witness [redacted] was asleep when she heard banging on the door. The deputies yelled they were going to kick the door down if she did not answer the door. She got out of bed and saw Suspect Beserra exiting the bathroom inside the motel room. Suspect Beserra said, "Fuck, the Sheriffs are here!" Witness [redacted] opened the door and was immediately detained by a deputy who took her out of the motel room. The deputy escorted her approximately 10-feet away from the room. She could not see inside the room; however, she was within earshot of the room.

From outside the room, Witness [redacted] could hear a lot of noise and things moving around and being tossed from inside. The noise in the room sounded like "fighting." Witness [redacted] heard Suspect Beserra yell, "Ow, my leg, my leg." Witness [redacted] heard the sound of a Taser activation.

When Suspect Beserra exited the room, Witness [redacted] saw he had redness to his face. Suspect Beserra's face was not red prior to deputies entering the room, nor was he complaining of pain or walking abnormally prior to deputies entering the room.

> **IAB Note: During the IAB force review, Suspect Beserra did not complain of any injury or force used on either of his legs. Suspect Beserra, nor any of the involved deputies, reported a Taser activation during the incident. Suspect Beserra did not complain of pain or injury to his leg while at Beverly Hospital, nor did Hospital staff document any injury to Suspect Beserra's legs.**

The following sworn personnel did not report witnessing or using force, but were interviewed regarding their involvement in the totality of the incident:

WITNESS EMPLOYEE DEPUTY RICHARD NAVARRO:

On January 15, 2020, Deputy Richard Navarro was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy Navarro was a member of PCT-2 and had been assigned to the Parole Compliance Team since 2015.

On August 8, 2019, he was working with Deputy [redacted] on the PCT-2. They received information Suspect Beserra, a parolee-at-large, was inside of a motel room in South El Monte. When the PCT-2 arrived at the motel, everyone made their way to the door of Room 224. Deputy Del Valle gave the "knock and notice" advisement at the front door. After Deputy Del Valle did not receive an answer, Deputy Olivas also knocked on the

door and gave announcements. Eventually, Witness [redacted] opened the door and was "passed onto" Deputy Castro, who detained her.

Deputies Navarro, Olivas, Del Valle, and [redacted] made entry into the motel room in order to "make a sweep for threats" and look for Suspect Beserra. Once the bathroom and main room were cleared, Deputy Navarro believed Suspect Beserra might have hidden underneath the bed. Deputies Navarro and Olivas lifted the bed in order to clear underneath. Deputy Navarro lifted the foot of the left side of the bed, while Deputy Olivas lifted from the foot of the right side. The bed was queen-sized, with a duffle bag and electronic boxes on top.

After the bed was raised, Deputy Navarro saw Suspect Beserra lying face down with both of his arms tucked underneath his body. Deputy [redacted] gave Suspect Beserra verbal commands to show his hands and put his hands behind his back. Suspect Beserra did not comply with the commands. Deputy Navarro used both of his hands to lift the bed higher, causing his view under the bed to become obstructed by the bed.

Deputy Navarro glanced under the bed and saw Deputy [redacted] knee stationary across the left side of Suspect Beserra's back. Deputy [redacted] also had a Taser in his left hand and held it toward Suspect Beserra. He heard Deputy [redacted] indicate he was going to tase Suspect Beserra; however, he never heard the Taser activate **[Navarro Transcript, page 7-8]**. Deputy [redacted] did not see how Deputy [redacted] knee made contact with Suspect Beserra's back.

Deputy Navarro saw Deputy [redacted] under the bed and grabbed Suspect Beserra's right arm and placed it behind his back. Deputy [redacted] handcuffed Suspect Beserra. After Suspect Beserra was handcuffed by Deputy [redacted] Deputy [redacted] assisted Suspect Beserra to his feet and escorted him out of the room.

Deputy Navarro did not hear Sergeant [redacted] give Suspect Beserra commands, nor did he see Sergeant [redacted] use any force on Suspect Beserra.

WITNESS EMPLOYEE DEPUTY JESSE OLIVAS:

On January 15, 2020, Deputy Jesse Olivas was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy Olivas was a member of PCT-2 and had been assigned to the Parole Compliance Team since 2017.

On August 8, 2019, he was working a one-man car while assigned to PCT-2. He received information Suspect Beserra was possibly at the Sierra Inn in South El Monte.

He responded with PCT-2 to the motel, parked his vehicle, and looked for Room 224. The team went upstairs to where the room was located. He and Deputy Del Valle were assigned the #1 and #2 positions for entry into the room. Deputy Del Valle knocked on the door and gave the announcement, "Sheriff's Department, parole search, open the

door." After a few minutes, Witness [redacted] answered the door. She appeared apprehensive, but eventually exited the room and was detained by Deputy Castro.

He and Deputy Del Valle made entry into Room 224, followed by other deputies on PCT-2. The room was small and cluttered with personal belongings. Deputy [redacted] cleared the bathroom. Deputy Olivas focused his attention on the bed and positioned himself on the right side of the bed, near the bathroom. He took a position to lift the bed from the right-bottom corner, as Deputy Navarro lifted the bed from the left-bottom corner. Deputies Navarro, [redacted] were in position to clear under the bed after it was lifted, as Sergeant [redacted] stood by the doorway of the room.

After the bed was lifted, Deputy Olivas looked underneath and saw Suspect Beserra laying under the bed. Suspect Beserra was lying face down, with his head tucked down and both hands underneath his body. Deputy [redacted] gave Suspect Beserra commands to show his hands.

Deputy Olivas was holding the bed up with both hands in order to give other deputies' access to Suspect Beserra. He did not see what happened underneath the bed and did not witness any force used on Suspect Beserra. Suspect Beserra emerged handcuffed from underneath the bed and was escorted out of the room. Deputy Olivas never heard a Taser activation **[Olivas Transcript, pages 11-12]**.

WITNESS EMPLOYEE DEPUTY BRENT DEL VALLE:

On January 15, 2020, Deputy Brent Del Valle was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy Del Valle was a member of PCT-2 and had been assigned to the Parole Compliance Team since September of 2016.

On August 8, 2019, he was assigned to PCT-2 and was working with Deputy Castro. He received information Suspect Beserra was possibly at a motel in South El Monte. The PCT-2 responded to the motel in order to locate and arrest Suspect Beserra. After arriving at the motel, deputies assigned to PCT-2 went to Room 224. Deputy Olivas knocked on the door and announced, "Sheriff's Department, parole search, come to the door." Deputy Del Valle also knocked and gave announcements at the door. Approximately two minutes later, the door opened and Witness [redacted] stepped out and was detained by another deputy.

Deputies Del Valle and Olivas were the first two deputies through the door of Room 224. Deputy Del Valle went toward the bathroom, while Deputy Olivas held the bed area. Deputy Del Valle cleared the small bathroom and returned to the main living area of the motel room. Deputy Del Valle saw Deputies Olivas and Navarro lifting the bed. After the bed was lifted, Deputy Del Valle saw Suspect Beserra lying on his stomach underneath the bed. He could not see Suspect Beserra's hands but heard another deputy ordering Suspect Beserra to show his hands. Deputy Del Valle heard Deputy [redacted] say he was going to deploy a Taser. Deputy [redacted] removed a Taser from his

vest; however, never used it.

Due to Deputy Del Valle's position in the room near the bathroom, coupled with Deputies Navarro, Olivas, and Nemeth obstructing his view, he did not witness any force used on Suspect Beserra **[Del Valle Transcript, page 9-10]**.

After Suspect Beserra was handcuffed and escorted out of the motel room, Deputy Del Valle was assigned to ride in the ambulance with Suspect Beserra to Beverly Hospital. Suspect Beserra appeared to be in pain and was favoring his left side.

WITNESS EMPLOYEE DEPUTY MARTIN CASTRO:

On January 15, 2020, Deputy Martin Castro was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy Castro was a member of PCT-2 and had been assigned to the Parole Compliance Team since 2014.

On August 8, 2019, he was working with Deputy Del Valle. Deputy Castro was the handling deputy assigned to locate Suspect Beserra and received information Suspect Beserra might be at a motel in South El Monte.

An Operations Plan and a "RIB Sheet" were prepared prior to responding to the motel in South El Monte. A briefing was also conducted, which detailed Suspect Beserra's criminal history, routes to local hospitals, a diagram of the location, and pictures of the suspect, amongst other information.

IAB Note: A RIB Sheet is an informal term used by Department members referring to the Search Warrant Preparation Checklist (SH-R-461). RIB stands for Records and Identification Bureau, who in the past had the responsibility of issuing Search Warrant numbers to be placed on the form. The SH-R-461 is required to be used in preparation for consent searches and probation/parole searches.

After he arrived at the motel, he obtained a room key and went to the front door of Room 224. Deputies knocked on the door and made announcements. Witness [redacted] answered the door and Deputy Castro "took her away from the problem." Deputy Castro estimated he took Witness [redacted] 30-40 feet away from the entrance of Room 224. From their vantage point, they could not see inside of Room 224. Deputy Castro did not see any civilians or motel employees in the area when deputies approached the room.

After deputies made entry into Room 224, Deputy Castro heard a "commotion" inside of Room 224; however, he could not see anything that was going on inside. Deputy Castro did not use or witness any force used on Suspect Beserra **[Castro Transcript, page 10]**.

Suspect Beserra emerged from the room in handcuffs. Deputy Castro did not see any injuries on Suspect Beserra; however, Suspect Beserra was complaining of pain to his ribs. Deputy Castro used his radio and requested fire department personnel respond in order to treat Suspect Beserra for his complaint of pain.

Deputy Castro authored and incident report for a misdemeanor violation of section 148(a)(1) of the Penal Code (Resisting Arrest) and sent the reports to Temple Station detectives for filing.

WITNESS EMPLOYEE DEPUTY JENNIFER CHINARIAN:

On January 15, 2020, Deputy Jennifer Chinarian was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy Chinarian was a member of PCT-2 and had been assigned to the Parole Compliance Team since January of 2012.

In August of 2019, her primary duties on PCT-2 consisted of plain cloth surveillances with Deputy [redacted] On August 8, 2019, Deputies Chinarian and [redacted] were assigned to conduct surveillance in South El Monte looking for Suspect Beserra. Both Deputies Chinarian and [redacted] were wearing civilian clothes and driving an unmarked Department vehicle.

Deputy Chinarian and [redacted] drove to the Sierra Inn. Deputy [redacted] contacted the motel manager to verify if Suspect Beserra or Witness [redacted] were registered there. Deputy [redacted] received information Witness [redacted] was registered at the motel in Room 224 and obtained a room key. Deputy Chinarian relayed the information to PCT-2 deputies who responded to the motel.

Once PCT-2 deputies arrived, Deputies Chinarian and [redacted] gave the room key to entry team deputies and took containment positions on the ground floor of the motel. Deputy Chinarian donned a Department protective vest and stood away from the room as the team made entry. Deputy Chinarian did not use or witness force during this incident **[Chinarian Transcript, page 6]**.

WITNESS EMPLOYEE DEPUTY [redacted]

On January 15, 2020, Deputy [redacted] was interviewed by IAB Sergeants Michael Rose and Paul Valle at the PCT-2 office in Monterey Park. In August of 2019, Deputy [redacted] was a member of PCT-2 and had been assigned to the Parole Compliance Team since 2012. Deputy [redacted] is currently on loan to the [redacted]

In August of 2019, her primary duties on PCT-2 consisted of plain clothes surveillances with Deputy Chinarian. During the past two years, her primary duty on PCT-2 was conducting surveillance. On August 8, 2019, Deputies [redacted] and Chinarian were assigned to conduct surveillance in South El Monte looking for Suspect Beserra. Both

Deputies [redacted] and Chinarian were wearing civilian clothes and driving an unmarked Department vehicle.

Deputy [redacted] received information Suspect Beserra was staying with his girlfriend (Witness [redacted] at the Sierra Inn in South El Monte. She and Deputy Chinarian drove to the motel. Deputy [redacted] contacted the motel manager and confirmed Witness [redacted] was registered at the motel. She obtained a room key and a layout of the motel. Deputy [redacted] relayed the information to PCT-2, who later responded to the motel.

After the PCT-2 arrived, she walked away from their position because she was in civilian clothing. She stood at the bottom of the stairwell and made sure no one approached PCT-2 deputies as they attempted to make contact with the occupants of Room 224. Deputy [redacted] could not see inside of Room 224 from her position on the ground floor. She did not see Suspect Beserra get arrested nor did she use or witness any force during this incident [redacted] **Transcript, page 4-5]**.

SUSPECT JESSE BESERRA:

On August 8, 2019, at approximately 11:05 a.m., Sergeant [redacted] interviewed Suspect Beserra at Beverly Hospital in Montebello. Suspect Beserra told Sergeant [redacted] he heard the Sheriff's Department knocking on the door. He and Witness [redacted] were the only two people in the room. Prior to the deputies entering the room, Suspect Beserra hid under the bed because he knew he had a warrant for his arrest and did not want to go to jail. After Witness [redacted] opened the door, deputies searched the room and lifted up the bed. While Suspect Beserra was laying on his stomach, the deputies told him "don't move." Suspect Beserra felt two kicks to his back. After he was kicked, the pain caused Suspect Beserra to "ball up." Suspect Beserra felt being "hit in the face" near his right eye. Suspect Beserra did not see who hit him in the face. Suspect Beserra complained of pain to his left side of his back and the right side of his face.

The deputies picked him up and took him out of the room. He was seen by the paramedics and transported to the hospital. Suspect Beserra admitted to ingesting marijuana on August 7, 2019, and did not take any psychological medication **[EXHIBIT A, Sergeant Interview]**.

On August 8, 2019, at approximately 12:40 p.m., Sergeant [redacted] and Lieutenant [redacted] # [redacted] interviewed Suspect Beserra at Beverly Hospital in Montebello.

Suspect Beserra heard knocking on the motel door. He hid under the bed, on his stomach, prior to Witness [redacted] opening the door and letting deputies into the room. The deputies lifted the bed and he got "hit" in the back. After Suspect Beserra was hit in the back, he "balled up" and placed his hands under his chest. A deputy "hit" him in the face with their foot.

Suspect Beserra complained of pain to his back and face. He denied having pain or injury to any other area of his body. Suspect Beserra used marijuana and alcohol the night before the incident. He drank two small cans of Bud Lite beer and smoked two bowls of marijuana. Suspect Beserra was not taking psychological medications but stated he had been prescribed psychological medication in the past **[EXHIBIT A, Lieutenant Interview]**.

On August 8, 2019, at approximately 6:34 p.m., IAB Sergeants Michael Rose and Paul Valle responded to the Inmate Reception Center and interviewed Suspect Beserra in a small private office.

Suspect Beserra was inside of his girlfriend's (Witness [redacted] room when he heard knocking at the door. Deputies announced they were from the Sheriff's Department. Knowing that he was absconding from his parole, he hid under the bed. Witness [redacted] answered the door and the deputies took her out of the motel room. Deputies entered the room and picked up the bed. Suspect Beserra was flat on his stomach, with his head to the left. After the bed was lifted, a deputy "kicked" him two or three times on his back. He "balled up" and went to cover his face. He got hit once in the shoulder and upper-right eye with a black shoe **[Beserra Transcript, page 3]**.

Suspect Beserra could not see which deputy hit or kicked him because he was flat on his stomach looking at their feet. Deputies ordered him to "stop resisting;" however, he was not resisting. Deputies put handcuffs on him and escorted him downstairs. The deputies called an ambulance for him and when he got to the hospital the doctors took x-rays and discovered he had "one or two" broken ribs on the left side of his back.

Suspect Beserra denied having any preexisting injury. He denied having any preexisting broken bones and was not in pain before this incident. Suspect Beserra said his only injuries, as a result of this incident, were to his back, face, and shoulder.

IAB Note: IAB investigators observed and photographed small abrasions and redness around Suspect Beserra's right eye, neck, and shoulder. Suspect Beserra appeared to be in pain and favored the left side of his back [EXHIBIT B].

Suspect Beserra smoked two or three "bowls" of marijuana from a pipe approximately six-hours before deputies knocked on the door. He did not drink any alcohol and no longer felt the effects of the marijuana he previously smoked. He did not take any prescription medication. Suspect Beserra was diagnosed with Bipolar disorder and depression when he was in state prison; however, he stopped taking medication for those disorders in 2006 or 2007.

ADDITIONAL INFORMATION:

Shortly after the use of force incident, Sergeant [redacted] interviewed the following civilians in rooms adjacent to Room 224: [redacted] These civilians did not report witnessing any use of force by deputy personnel and their statements were video recorded and submitted with this force review **[EXHIBIT B/Witness interviews]**.

Sergeant [redacted] video recorded a pre and post search video of Room 224. He also recorded the medical response to the motel and fire department personnel treating Suspect Beserra at the motel **[EXHIBIT B/Medical response]**.

Deputy Probation Officer II Liliana Caudillo was assigned to the PCT-2 and responded to the motel on the day of the incident. Officer Caudillo was positioned near parked Department vehicles and on the other side of the building during the use of force. She did not witness any use of force and authored a supplemental report **[EXHIBIT A]**.

IAB investigators obtained and reviewed the Involved Employee's training records obtained through the Training Bureau **[EXHIBIT B/Training records].**

IAB investigators obtained Deputy [redacted] Taser data for his assigned Taser (serial number X00-639061). Deputy [redacted] Taser was last activated on July 2, 2019, and was never activated on August 8, 2019 **[Miscellaneous Documents]**.